

Darrell L. Goss, Sr.,)	Civil Case No. 2:21-cv-00084-RMG-MGB
)	
Plaintiff,)	
v.)	
)	
)	REPORT AND RECOMMENDATION
)	
D. Jackson, South Carolina Department)	
of Corrections,)	
)	
Defendants.)	
)	

DISCUSSION

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was negligent/grossly negligent under the South Carolina Tort Claims Act based on Defendant Jackson's conduct. (*Id.* at 8–9.)

On September 20, 2021, Defendant SCDC filed a Motion for Summary Judgment. (Dkt. No. 37.) SCDC argues it is entitled to summary judgment because, *inter alia*, Plaintiff's state law claims against it are barred by the applicable two-year statute of limitations under the South Carolina Tort Claims Act. (Dkt. No. 37-1 at 3.) *See* S.C. Code Ann. § 15-78-110. The conduct at issue in Plaintiff's claims occurred in April of 2018, and Plaintiff filed this action on January 8, 2021. In his response brief, Plaintiff "concedes to SCDC's argument regarding his state law claims." (Dkt. No. 42 at 2.) Because Plaintiff concedes to the dismissal of his claims against SCDC, the undersigned recommends granting summary judgment here.

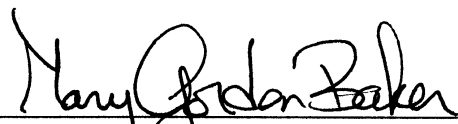
CONCLUSION

For the foregoing reasons, the undersigned recommends that Defendant SCDC's Motion for Summary Judgment (Dkt. No. 37) be GRANTED and SCDC be dismissed from this action.

IT IS SO RECOMMENDED.

October 7, 2021

Charleston, South Carolina



MARY GORDON BAKER
UNITED STATES MAGISTRATE JUDGE

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. **Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections.** “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

**Robin L. Blume, Clerk
United States District Court
Post Office Box 835
Charleston, South Carolina 29402**

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).